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Report of the Working Group on the Universal Periodic Review*

Palau

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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Background summary

1. The Republic of Palau presented its second Universal Periodic Review Report in January 2016 at the UPR Working Group 24th Session in Geneva, Switzerland. On January 29th, Palau's UPR report was adopted and 125 recommendations were given to Palau after its review. Palau took all 125 recommendations home to be examined and to provide responses later to the Human Rights Council. The responses are to be included in the outcome report adopted by the Human Rights Council at its 32nd Session of the UPR outcome session to be held on June 23–24, 2016.

Response for accession/ratification of treaties in general (Recommendations: 104.5, 104.6, 104.9, 104.10, 104.11, 104.12, 104.13)

2. It is the position of Palau to accept the recommendations made towards the ratification of the core human rights treaties. Palau will need to conduct Leadership and public awareness on the core treaties in order to give its support to Congress for ratification. Further work needs to be taken to determine the Republic's capacity and resources to fulfil its obligations on these treaties.

Response for ratification on specific treaties

Ratifying ICCPR and ICESCR (Recommendations: 104.1, 104.2, 104.3, 104.4, 104.8, 104.13, 104.16, 104.17, 104.18, 104.19)

3. It is the position of Palau to accept the recommendations made on these treaties. Palau will work towards consultations with its leadership and community including public awareness on these instruments and determine the Republic's capacity and resources to fulfill its obligations on these treaties.

Ratifying ICERD (Recommendations: 104.14, 104.15)

4. It is the position of Palau to note these recommendations on this treaty. However, Palau will work towards consultations and community education/awareness in order to commit on a way forward towards this treaty. Palau further needs to consider the technical and resource implications on ratification and the capacity in fulfilling the obligations of this treaty.

Ratifying CEDAW (Recommendations: 104.7, 104.20, 104.21, 104.22, 104.23, 104.24, 104.25, 104.26)

5. It is the position of Palau to take note on these recommendations but we will continue to work with the people of Palau especially the women's group on the awareness of this treaty. To date, Palau has domesticated some provisions of the treaty into our laws.

Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (Recommendations: 104.27, 104.28)

6. It is the position of Palau to take note on these recommendations made on this treaty as we need to consider the technical and resource implications on ratification and the capacity in fulfilling the obligations on this treaty. The Constitution of Palau under Section 10 Article IV states that "Torture, cruel, inhumane or degrading treatment or punishment, and excessive fines are prohibited."

Support for the Convention on the Rights of the Child (CRC) (Recommendations: 104.29, 104.30, 104.31, 104.32, 104.33, 104.34, 104.35, 104.36, 104.37, 104.38, 104.73, 104.98)

7. Palau accepts this recommendation as it ratified CRC in 1994. It is the position of Palau to support these recommendations and we will conduct consultations on the Optional Protocol with the Leaders and the community in the effort towards the ratification of the 3 Optional Protocols. Palau has further domesticated some of the articles of the CRC into its laws through the enactment of the Family Protection Act and will further work towards more laws in-line with this treaty.

Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) (Recommendations: 104.39, 104.40, 104.41)

8. It is the position of Palau to note the recommendations made on this treaty. Palau still needs to consider the technical and resource implications on ratification of this treaty and meeting its obligations on this treaty.

Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) (Recommendations: 104.42, 104.43)

9. It is the position of Palau to take note on these recommendations. Palau will need to work towards awareness and consultation on the treaty and determine the capacity and resources of the Republic to fulfill its obligations under this instrument.

Support for the Convention on the Rights of Persons with Disabilities (CRPD) (Recommendations: 104.44, 104.45)

10. It is the position of Palau to accept this recommendation as Palau ratified this treaty in 2014. Continuing efforts are being made towards the implementations on the provisions of this treaty.

Ratify the Hague Convention on Civil Aspects of International Child Abduction (Recommendation: 104.46)

11. It is the position of Palau to take note of this recommendation. Palau needs to conduct Leadership and community awareness on this treaty before ratification of this

treaty is supported in the Congress. Further work needs to be done to determine the technical aspect and resources needed to implement the provisions of the treaty.

Ratify the International Labor Organisation (ILO) Conventions (Recommendations: 104.47, 104.48)

12. It is the position of Palau to take note on recommendations made on this treaty. Palau needs to further its work in the education of this convention before ratifying the ILO fundamental conventions.

Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Recommendations: 104.49, 104.50)

13. It is the position of Palau to take note on the recommendations made on this treaty. Palau needs to work building public and Leadership awareness on this instrument and determine the capacity and resources of the Republic in fulfilling its obligations on this instrument.

Ratify the Rome Statute of the International Criminal Court and the 1951 Convention relating to the status of Refugees and its 1967 Protocol (Recommendations: 104.51, 104.52, 104.53, 104.54, 104.55)

14. It is the position of Palau to take note on the recommendations made on these treaties. While Palau recognizes the importance on the ratification to the statute of the international criminal court and the 1951 Convention relating to the status of Refugees and its 1967 Protocol, Palau will need to consider the technical and resource implications of accession. Palau though has sufficient legislative safeguards to address grave human rights violations.

Ratify the UNESCO Convention against Discrimination in Education (Recommendation: 104.56)

15. It is the position of Palau to accept the recommendation made on this treaty. Palau needs to work towards building public and Leadership awareness on this instrument and determine the capacity and resources of the Republic in fulfilling its obligations on this instrument.

Institutional and human rights infrastructure and policy measures

On the implementation of laws to protect human rights (Recommendations: 104.57, 104.58, 104.59)

16. It is the position of Palau to accept these recommendations as laws have already been implemented to protect human rights in Palau. In addition, laws will need to be reviewed to ensure they are aligned with international human rights standards. Palau will further look into the recommendations made under the UNCAC review and take the necessary steps to implement the recommendations.

On the establishment of a national human rights institution (Recommendations: 104.60–104.72)

17. It is the position of Palau to accept these recommendations made towards the establishment of a National Human Rights Institution in full compliance with the Paris Principles. The establishment of a national human rights institution will require specialized resources and we continue to look for assistance from our partners. The concept of establishing a national human rights institution is fully supported by the members of the National Congress as well as the Community, however, it is the lack of funds and expertise we lack to fulfil this recommendation.

Cooperation with treaty bodies

On the engagement with international/regional partners (Recommendation: 104.74)

18. It is the position of Palau to accept this recommendation. Palau recognizes the importance of this recommendation and due to limited capacity, human resources and expertise; we continue to seek external technical and funding assistance. Palau will further continue to engage with international and regional partners in any given space to further seek assistance to help the Republic meet its human rights obligations.

Equality and non-discrimination

On the protection of vulnerable groups (Recommendations: 104.75–104.78)

19. It is the position of Palau to accept this recommendation. Palau recognizes the importance of these recommendations as we continue efforts to streamline gender equality into the programs and policies of the Government. Palau emphasizes the importance of development financing aligned with the SDGs including Goal 5 on gender equality and those relating to marginalized groups and human rights. The Human Rights Council has a real opportunity to strengthen its monitoring of the human rights captured in the SDGs through the UPR process and this is a proposal we would like to submit to the Council at this review for further consideration.

On measures on women's participation in public offices (Recommendation: 104.79)

20. It is the position of Palau to accept this recommendation. The supoort for women in Leadership in Palau has increased and ongoing work is being carried to support women to run for this upcoming National election of 2016.

Legislation on anti-discrimination based on sexual orientation and/or gender identity (Recommendations: 104.80–104.85)

21. It is the position of Palau to take note on these recommendations made on sexual orientation, gender identity and same sex marriage. Further work and consultations need to be taken to further progress in this area in the Republic.

Right to life, liberty and security of the person

On the establishment of shelters for victims of domestic violence (Recommendations: 104.86, 104.87)

22. It is the position of Palau to accept these recommendations. Palau continues its efforts to work towards a more permanent shelter for victims or a resource center for victims of domestic violence through dialogue with international and regional partners. Palau Government is exploring ways to improve services for victims such as safe houses, counselling, immediate health responses and protection orders for victims and children. Palau seeks funding and technical assistance from partners and organizations in the establishment of a center for victims of domestic violence.

Measures on domestic violence (Recommendations: 104.89, 104.90, 104.93)

23. It is the position of Palau to accept these recommendations made towards public awareness and develop legislations to combat domestic violence on women and children including elders, boys and persons with disabilities. Palau will take appropriate measures to adopt and amend its laws to combat domestic violence.

Training on the Family Protection Act (FPA) (Recommendation: 104.96)

24. It is the position of Palau to accept this recommendation made on the FPA. Palau will continue its effort to work towards more training for relevant agencies and officers on the implementation of the FPA.

Amending Palau laws to criminalise spousal rape (Recommendations: 104.91, 104.92)

25. It is the position of Palau to accept these recommendations made on criminalising spousal rape as Palau has already changed/amended its laws through the new Penal Code to criminalise spousal rape.

On the measures on corporal punishment (Recommendations: 104.95, 104.97)

26. It is the position of Palau to accept these recommendations on addressing violence in the educational system and prohibit all forms of corporal punishment. Palau will take

appropriate measures to modify or amend appropriate legislation in line with international standards.

Human trafficking (Recommendations: 104.88, 104.94, 104.99, 104.100, 104.101, 104.102, 104.103)

27. It is the position of Palau to accept these recommendations specific on human trafficking. Palau will look into its laws and take necessary steps to ensure its laws on human trafficking are in compliance with international standards.

Administration of justice, including impunity, and the rule of law

Improve prison environment (Recommendation: 104.104)

28. It is the position of Palau to accept this recommendation to improve its prison environment. Palau will look into its laws and make necessary amendments to improve the Republic's prison environment to help protect the human rights of the prisoners.

Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

Freedom of information (Recommendation: 104.105)

29. It is the position of Palau to accept this recommendation as the Freedom of Information is given in the Palau Constitution. Palau will take appropriate measures to make its laws on freedom of information in compliance with international standards.

Right to work and to just and favourable conditions of work

On measures on migrant workers (Recommendations: 104.106–104.113)

30. It is the position of Palau to take note of these recommendations as Palau needs assistance to review our laws and make amendments in compliance with international standards.

Right to social security and to an adequate standard of living

Social protection programs (Recommendation: 104.114)

31. It is the position of Palau to accept this recommendation as it continues to strengthen the social protection programs and seek assistance from partners on this specific area towards the betterment of the lives of the people in Palau.

Right to education

Education and human rights (Recommendations: 104.115, 104.116)

32. It is the position of Palau to accept these recommendations as we will continue to raise awareness on human rights and seek technical assistance from the Office of the High Commissioner on Human Rights on training and awareness raising on human rights programs.

Persons with disabilities

Measures on disabilities (Recommendations: 104.117–104.120)

33. It is the position of Palau to accept these recommendations as we ratified the UNCRPD in 2013. Palau will continue to work towards the final drafting of the National Disability Policy to be endorsed by the Leaders and to ensure its implementation to better the lives of persons with disabilities in the Republic.

Migrants, refugees and asylum seeker

Migrants, refugees and asylum seekers (Recommendations: 104.121, 104.122)

34. It is the position of Palau to take note of these recommendations as Palau needs assistance to review our laws and make amendments in compliance with international standards.

Right to development, including environmental issues

Environment (Recommendations: 104.123, 104.124, 104.125)

35. It is the position of Palau to accept these recommendations. Palau will continue to work towards the protection of the livelihood of the people living in Palau and look to secure a future for its children through laws and actions in preserving our environment and the fight against climate change.

Conclusion

36. The Government of Palau is committed to its human rights obligations and responsibilities. The House of Delegates of the 9th Olbiil Era Kelulau, Palau National Congress has fully recognized the importance of handling Palau's obligations and responsibilities on human rights matters and have changed the name of one of their committee the "Judiciary and Governmental Affairs" to "Judiciary and Governmental Affairs and Human Rights". This is now a specific committee in the House of Delegates that will deal directly with matters related to Human Rights. Palau fully supports the recommendations made on the establishment of a national human rights institution but with

limited funding is unable to do so at the moment. Thus, the name change on one of the House of Delegates committees is a first step towards this recommendation.

37. Finally, Palau reiterates its appeal to the international community to assist the country in its efforts to carry out its human rights responsibilities in the implementation of the core human rights treaties and in fulfilling its obligations.